



INVERELL
SHIRE COUNCIL



The Brighter Access Sapphire City Festival will commence on Friday, 18th October 2024.

*The festival will conclude with a finale event, featuring Alana Wilkinson, Street Science and Makers Markets.
The finale will be headlined by Melanie Dyer, culminating with firework spectacular off the town bridge.*

Business Paper
Ordinary Meeting of Council
Wednesday, 9 October 2024

INVERELL SHIRE COUNCIL

NOTICE OF ORDINARY MEETING OF COUNCIL

27 September 2024

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 9 October, 2024, commencing at **3.00pm**.

Your attendance at this Ordinary Meeting of Council would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) will be recorded. The audio recording of the meeting will be uploaded on the Council’s website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

I would like to remind those present that an audio recording of the meeting will be uploaded on the Council’s website at a later time and participants should be mindful not to make any defamatory or offensive statements.

BRETT MCINNES

GENERAL MANAGER

Agenda

1	Apologies	7
2	Confirmation of Minutes.....	7
3	Elections.....	17
	3.1 Election of Mayor	17
	3.2 Election of Deputy Mayor	25
4	Disclosure of Interests / Pecuniary and Non-Pecuniary Interests.....	27
5	Destination Reports.....	28
	5.1 Meeting Dates and Times	28
	5.2 Appointment of Council Committees	30
	5.3 Election of Delegates to Regional & Local Organisations (Annual Appointment).....	34
	5.4 Local Government Elections - Countback Option	35

Recording of Council Meetings

Council meetings are recorded. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded.

The recording will be archived. All care is taken to maintain your privacy; however as a visitor of the public gallery, your presence may be recorded.

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – regulated by the Code of Conduct and Office of Local Government
- **Non-pecuniary** – regulated by Code of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- 1st** Do I have private interests affected by a matter I am officially involved in?
2nd Is my official role one of influence or perceived influence over the matter?
3rd Do my private interests conflict with my official role?

Code of Conduct

For more detailed definitions refer to Council's and Model Code of Conduct, Part 4 – Pecuniary Interests and Part 5 – Non – Pecuniary Conflicts of Interest.

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at [Disclosure of Pecuniary Interests form](#) or [Non-Pecuniary Interests form](#)

Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.

OUR DESTINATIONS



- 01 LEADERSHIP**
 We will be an accountable and responsible Council that will be involved with the community and responsibly manage public resources.
- 02 PROSPERITY**
 The Shire has a diverse, strong local economy that provides opportunities that contribute to the quality of life for the community.
- 03 LIVEABILITY**
 Our community is healthy, safe, educated and offers opportunities for people of all ages and abilities. We value our natural and built environment.
- 04 SERVICES & INFRASTRUCTURE**
 Our community is enhanced by the provision of civic services and infrastructure. These services are planned and financially sustainable.



MEETING CALENDAR

January 2024 – December 2024

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	OCT	NOV	DEC
Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed		
No meeting	28	27	24	22	^26	24	14	4	9	30	TBD	TBD

Major Committee Meetings:

Civil and Environmental Services - 9.00 am
 Economic and Community Sustainability - 10.30 am
 Venue: Committee Room

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	
Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed					
No Meeting	14	13	10	8	12	10	No meeting	No meeting	No meeting	TBD	TBD	

Members of the public are invited to observe meetings of the Council.

Should you wish to address Council, please contact the Office of the General Manager on 6728 8206.

^ Meeting at which the Management Plan for 2024/2025 is adopted.



INTERNAL CALENDAR

October 2024

SUN	MON	TUE	WED	THU	FRI	SAT
		1.	2.	3.	4.	5.
Daylight Saving Begins Sapphire City Markets	Labour Day Public Holiday		2:30pm Councillor Oath/Affirmation 3:00pm Ordinary Council Meeting & (Mayoral Election etc)		9:00am BROC Meeting (AGM & Ordinary) - Goondiwindi Regional Council Last Day of School Holidays Spring Splash Event	Spring Splash Event Inverell Art Prize 2024 Gala Opening - Inverell Art Gallery
6.	7.	8.	9.	10.	11.	12.
Spring Splash Event	12:00pm Sapphire Wind Farm Community Benefit Fund Committee Meeting	10:00am Inverell District Liquor Consultative Committee Meeting			Sapphire City Festival Commences 7:00pm Inverell's Got Talent Town Hall Reports due for Ordinary Council Meetings by 4:30pm	Holy Trinity P&F Race Day Operation Operating Room Bush Dance – Pioneer Village
13.	14.	15.	16.	17.	18.	19.
Pioneer Village Open Day & Sapphire City Markets		Councillors Induction Training			Colour Run Event – Varley Oval	2:30pm Festival Finale – Campbell Park
20.	21.	22.	23.	24.	25.	26.
			Time TBC Ordinary Council Meeting			
27.	28.	29.	30.	31.		

 Council office closed

1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 4 September, 2024, as circulated to members, be confirmed as a true and correct record of that meeting.

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 4 SEPTEMBER 2024 AT 3.00PM**

PRESENT: Cr Paul Harmon (Mayor), Cr Jo Williams, Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight, Cr Paul King OAM, Cr Jacko Ross and Cr Wendy Wilks.

IN ATTENDANCE: Brett McInnes (General Manager), Paul Pay (Director Corporate and Community Services), Justin Pay (Director Civil Services) and Sharon Stafford (Governance and Executive Services Coordinator).

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

RESOLUTION 2024/131

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

That the Minutes of the Ordinary Meeting of Council held on 14 August, 2024, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

4 PUBLIC FORUM

Nil

5 MAYORAL MINUTE

Nil

6 ELECTIONS

Nil

7 ADVOCACY REPORTS

7.1 RETIRING ACKNOWLEDGEMENT LETTER S13.6.1

RESOLUTION 2024/132

Moved: Cr Di Baker

Seconded: Cr Jo Williams

That the report be received and noted.

CARRIED

7.2 COUNTRY MAYORS ASSOCIATION MEETING - 9 AUGUST 2024 S14.11.1/17

RESOLUTION 2024/133

Moved: Cr Paul King OAM

Seconded: Cr Wendy Wilks

That the report be received and noted.

CARRIED

7.3 BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) MEETING MINUTES - 26 JULY 2024 S14.10.1

RESOLUTION 2024/134

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That the minutes of the Border Regional Organisation of Councils meeting held on 26 July 2024 be received and noted.

CARRIED

8 NOTICES OF BUSINESS

Nil

9 QUESTIONS WITH NOTICE

Nil

10 COMMITTEE REPORTS**10.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 11 JUNE 2024****RESOLUTION 2024/135**

Moved: Cr Jacko Ross

Seconded: Cr Jo Williams

That the Minutes of the Audit Risk and Improvement Committee Meeting held on Tuesday, 11 June 2024, be received and noted.

CARRIED**10.2 YOUTH ADVISORY COUNCIL MEETING MINUTES - 3 JULY 2024 AND 21 AUGUST 2024 S3.16.13****RESOLUTION 2024/136**

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

That the minutes of the Youth Advisory Council Meetings held on Wednesday, 3 July 2024 and Tuesday, 21 August 2024 be received and noted.

CARRIED**11 DESTINATION REPORTS****11.1 EXPRESSION OF INTEREST TO LICENCE LAND - PART LOT 1 DP 1140913 CAMERON PARK AND PART CLOSED ROAD, INVERELL S5.10.38****RESOLUTION 2024/137**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

That:

- i) Council enter into a Licence Agreement with Ridge Wilson for Part Lot 1 DP 1140913 Cameron Park and Part Closed Road, Inverell for a three (3) year period with a further one (1) year option;*
- ii) the Licence fee be \$595.00 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

CARRIED

11.2 TRANSFER OF INTERNALLY RESTRICTED ASSETS AND BUDGET REVOTES FROM 2023/2024 S12.5.1/16**RESOLUTION 2024/138**

Moved: Cr Stewart Berryman
Seconded: Cr Kate Dight

That:

- i) the report be received and noted;*
- ii) the list of revotes in the attachment be revoted to the 2024/2025 budget; and*
- iii) the transfers to Council's Externally / Internally Restricted Assets for the 2023/2024 Financial Year totalling \$14,600,307 and Council's transfers from Externally / Internally Restricted Assets for the 2023/2024 Financial Year totalling \$3,043,241 be endorsed.*

CARRIED

11.3 AQUATIC CENTRE PROJECT CONTROL GROUP MEMBERSHIP S5.9.27**RESOLUTION 2024/139**

Moved: Cr Jacko Ross
Seconded: Cr Jo Williams

That Council endorse the continuation of Cr Stewart Berryman as an Aquatic Centre Project Control Group member post the 14 September 2024 local government election in a specialist advisory capacity until the project final completion.

CARRIED

11.4 REFERRAL OF CONFIDENTIAL MATTERS S13.5.2/17**RESOLUTION 2024/140**

Moved: Cr Di Baker
Seconded: Cr Kate Dight

That Council refer the items to Closed (Public excluded) meeting of the Council and that the press and members of the public be asked to leave the chambers whilst Council considers the following items:

CARRIED

12 INFORMATION REPORTS**12.1 LGNSW CONFERENCE 2023 - RESPONSE TO MOTIONS S14.3.13****RESOLUTION 2024/141**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the report be received and noted.***CARRIED****12.2 WORKS UPDATE S28.21.1/17****RESOLUTION 2024/142**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That the report be received and noted.***CARRIED****12.3 INTERMENT SERVICES LEVY S24.6.6****RESOLUTION 2024/143**

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

*That the report be received and noted.***CARRIED****12.4 PARLIAMENTARY INQUIRY INTO RURAL AND REGIONAL HEALTH S24.20.5****RESOLUTION 2024/144**

Moved: Cr Wendy Wilks

Seconded: Cr Stewart Berryman

*That the report be received and noted.***CARRIED****12.5 STRATEGIC TASKS - 'SIGN OFF' - AUGUST 2024 S4.13.2****RESOLUTION 2024/145**

Moved: Cr Jacko Ross

Seconded: Cr Di Baker

*That the report be received and noted.***CARRIED**

12.6 ORDINANCE ACTIVITIES REPORT FOR THE PERIOD 1 AUGUST 2024 TO 23 AUGUST 2024 S18.10.1

RESOLUTION 2024/146

Moved: Cr Kate Dight
 Seconded: Cr Paul King OAM

That the report be received and noted.

CARRIED

12.7 PCG MEETING - INVERELL AQUATIC CENTRE REPLACEMENT S5.9.27

RESOLUTION 2024/147

Moved: Cr Stewart Berryman
 Seconded: Cr Jacko Ross

That the report be received and noted.

CARRIED

12.8 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES FOR THE PERIOD 1 AUGUST 2024 - 23 AUGUST 2024 S18.10.2/17

RESOLUTION 2024/148

Moved: Cr Di Baker
 Seconded: Cr Jo Williams

That the report be received and noted.

CARRIED

12.9 MR187 YETMAN ROAD SPEED REVIEW - RING STREET TO MCFERTRIDGE LANE - SPEED ZONE REVIEW - UPDATE S28.10.MR187

RESOLUTION 2024/149

Moved: Cr Jo Williams
 Seconded: Cr Di Baker

That the report be received and noted.

CARRIED

12.10 LETTER OF APPRECIATION - INVERELL SPORTS COUNCIL S26.4.9

RESOLUTION 2024/150

Moved: Cr Kate Dight
 Seconded: Cr Jacko Ross

That the report be received and noted.

CARRIED

12.11 RENEWABLE ENERGY TRANSITION IMPACTS S18.6.52/10**RESOLUTION 2024/151**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That the report be received and noted.***CARRIED****12.12 LETTER OF APPRECIATION - INVERELL PIONEER VILLAGE S26.4.20****RESOLUTION 2024/152**

Moved: Cr Jo Williams

Seconded: Cr Di Baker

*That the report be received and noted.***CARRIED****13 GOVERNANCE REPORTS****13.1 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS S1.2.3/17****RESOLUTION 2024/153**

Moved: Cr Jacko Ross

Seconded: Cr Kate Dight

*That the information be received and noted.***CARRIED****13.2 GENERAL & SPECIAL PURPOSE FINANCIAL REPORTS 2023/2024 S12.11.5****RESOLUTION 2024/154**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

That:

- i) the report be received and noted;*
- ii) Council's DRAFT 2023/2024 Financial Statements be "referred to audit" in accordance with s413(1) of the Local Government Act 1993.*
- iii) If during the audit process, the NSW Audit Office requires any material changes, or discovers any audit issues that would render the Financial Statements false or misleading in any way, the draft financial statements are to be returned to Council for further consideration.*
- iv) Council record as an opinion of Council, in accordance with s413 (2c) of the Local*

Government Act 1993, that the draft 2023/2024 annual financial report is in accordance with:

- the Local Government Act 1993 (as amended) and the Regulations made there under,*
- the Australian Accounting Standards and professional pronouncements,*
- the Local Government Code of Accounting Practice and Financial Reporting,*
- presents fairly the Council's operating result and financial position for the year,*
- accords with Council's accounting and other records; and*
- that the Council is not aware of any matter that would render this report false or misleading in any way.*

v) Subject to no material audit changes or audit issues discovered as a result of the audit process:

i) the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised to sign the statements as required by s413(2) of the Local Government Act 1993;

ii) Council authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the Audit Reports from the NSW Audit Office;

iii) Council authorise the General Manager to place the audited Financial Statements on public exhibition and provide notice in accordance with s418(3) of the Local Government Act 1993, that Council will consider the Reports of its Auditors for the year ended 30 June, 2024 at its November Ordinary Meeting; and

iv) Council present the signed audited Financial Statements to the public at the November Ordinary Council Meeting in accordance with s 419 (1) Local Government Act 1993.

CARRIED

13.3 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2/18

RESOLUTION 2024/155

Moved: Cr Jo Williams

Seconded: Cr Kate Dight

That:

- i) the report indicating Council's Fund Management position be received and noted; and*
- ii) the Certification of the Responsible Accounting Officer be noted.*

CARRIED

14 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)

At this juncture, the time being 4.10pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council. There was no response.

RESOLUTION 2024/156

Moved: Cr Kate Dight
Seconded: Cr Jacko Ross

That Council proceeds into Closed Council to discuss the matters referred to it, for the reasons stated in the motions of referral.

CARRIED**RESOLUTION 2024/157**

Moved: Cr Paul King OAM
Seconded: Cr Di Baker

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 4.16pm, the Chairperson verbally reported that the Council had met in Closed Council, with the Press and Public excluded, and had resolved to recommend to Council the following:

14.1 NEW ELECTRICITY CONTRACT - LARGE SITES S10.19.1**RECOMMENDATION**

That the report be received and noted.

ADOPTION OF RECOMMENDATIONS**RESOLUTION 2024/158**

Moved: Cr Paul King OAM
Seconded: Cr Di Baker

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 4.18pm.

3 ELECTIONS

3.1 ELECTION OF MAYOR

File Number: S13.7.2 / 24/22067

Author: Brett McInnes, General Manager

SUMMARY:

This report outlines the process associated with the election of the Mayor consistent with the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

RECOMMENDATION:

That:

- i) *In the event that more than one candidate has been nominated for the position of Mayor the method of election for Mayor be determined by Council; and*
- ii) *The nomination forms and ballot papers used in the election be destroyed following the declaration of the result.*

COMMENTARY:

Section 225 of the *Local Government Act 1993* prescribes that an area must have a mayor who is elected in accordance with Division 2 of Part 2 of the *Local Government Act 1993*.

In accordance with Section 230 of the *Local Government Act 1993*, a Mayor elected by the Councillors holds the office of Mayor for two (2) years.

Councillors are requested to participate in the election of a Mayor for the next two (2) years.

A. PROCEDURES

Regulation 394 and Schedule 7 of *Local Government (General) Regulation 2021*, prescribes procedures to be followed for the election of the Mayor. A summary of these provisions is as follows:

i) Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the Returning Officer assumes the chair and announces that the first item of business is to be the election of a mayor.

ii) Nomination

Nominations shall be in writing. A nomination must be signed by two (2) or more Councillors (one (1) of whom may be the nominee). This nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination must be delivered or sent to the Returning Officer. It is requested that this occur prior to the commencement of the meeting.

A nomination form for the position of Mayor has been sent to Councillors, under separate cover, for use, should you wish to arrange a nomination for the position of Mayor.

As Returning Officer, I now invite nominations for the position of Mayor for a two (2) year period.

iii) Election

If only one (1) Councillor is nominated, the Returning Officer will declare that Councillor is elected as Mayor for the ensuing term.

If more than one (1) Councillor is nominated, Council must determine by resolution, the method of voting from the following choices:

- a) Ordinary Ballot (ie a secret ballot);
- b) Preferential Ballot (ie place 1, 2, 3 etc against nominated candidates); or
- c) Open Voting (ie by show of hands).

The Returning Officer must ask for a motion to be put to the meeting by one of the Councillors on the preferred method of voting.

Council will note that in previous elections, the method of election chosen by Council for the election of a Mayor was by Ordinary Ballot.

In the event that there is a tie in the vote for determining the method of voting, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

iv) Methods of Voting – Explained

- a) Ordinary Ballot

This method is a secret ballot.

A valid vote under this method is recorded by a Councillor placing an (X) against the name of the candidate of the Councillor's choice.

Where there are only two (2) candidates, the Returning Officer shall declare elected the candidate who receives the highest number of votes.

Where there are three (3) or more candidates, the candidate who receives the lowest number of votes is excluded and a further vote is taken in respect of the remaining candidates. This methodology is continued until there are only two (2) candidates remaining, and on the final vote the Returning Officer shall declare elected that candidate who received the higher number of votes.

- b) Preferential Ballot

Members vote for ALL candidates in order of preference by using the figures "1", "2", "3" etc. and normal preferential counting takes place until one (1) candidate has an absolute majority, whereupon he/she shall be declared by the Returning Officer to be elected.

In this regard "absolute majority" means more than one (1) half of the number of formal ballot papers.

- c) Open Voting

This is the most transparent method of voting.

Councillors are asked to raise their hand when called upon to show their support for a Mayoral candidate. Apart from the show of hands in lieu of secret ballot, the election mechanism is consistent with that of the ordinary ballot.

v) Voting Process

The following processes will be utilised for the various methods of voting:

a) Ordinary Ballot (secret ballot)

The Returning Officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The Returning Officer announces the names of the candidates for mayor and writes each name on a slip of paper and deposits it in a barrel.

The Returning Officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The Returning Officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the Returning Officer who counts the votes and records them on the tally sheet.

Three or more candidates

The Returning Officer announces the results of the first round of voting. The candidate with the lowest number of votes is excluded.

In the event that the **lowest number of votes are tied**, the Returning Officer advises the meeting of the following process:

In accordance with Clause 12 of Schedule 7 of the *Local Government (General) Regulation 2021*, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

The Returning Officer will show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The Returning Officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The Returning Officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The Returning Officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the Returning Officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

Two Candidates

The voting process is undertaken in the manner mentioned above. The Returning Officer announces the result.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the Returning Officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with Clause 12 of Schedule 7 of the *Local Government (General) Regulation 2021*, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The Returning Officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor for the ensuing two years.

The Returning Officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

b) Preferential ballot

The Returning Officer explains the process.

It has been resolved that the method for voting for the position of mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The Returning Officer announces the names of the candidates for mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The Returning Officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The Returning Officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the Returning Officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the Returning Officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the Returning Officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the Returning Officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the Returning Officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with Clause 12 of Schedule 7 of the *Local Government (General) Regulation 2021*, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor for the ensuing two years.

The Returning Officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the Returning Officer advises the meeting of the process.

In accordance with Clause 12 of Schedule 7 of the *Local Government (General) Regulation 2021*, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The Returning Officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The Returning Officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

c) Open Voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The Returning Officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the Returning Officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The Returning Officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The Returning Officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the Returning Officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor for the ensuing two years.

In the event of a **tied vote**, the Returning Officer will advise the meeting of the following process.

In accordance with Clause 12 of Schedule 7 of the *Local Government (General) Regulation 2021*, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The Returning Officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor for the ensuing two years.

The Returning Officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the Returning Officer advises the meeting of the following process:

In accordance with Clause 12 of Schedule 7 of the *Local Government (General) Regulation 2021*, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The Returning Officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The Returning Officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

B. RELEVANT INFORMATION

Information relevant to the position of Mayor is detailed below:

- The Mayor receives the following annual fees:
 1. Councillor Fee \$18,340.00
 2. Mayoral Fee \$39,350.00

- The following facilities are provided to the Mayor in accordance with Council’s current Councillors expenses and Facilities Policy:
 1. A mobile phone/PDA, and basic computer for Council use only;

2. Civic and private use of a motor vehicle with the private use component to be reimbursed to Council at the Senior Executive Service NSW State Government rate as determined each April by the Remuneration Panel.

C. NOMINATION PAPERS AND VOTING MATERIAL
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By convention, previous Councils have resolved to destroy the nomination forms and voting papers associated with the election of the Mayor.

ATTACHMENTS:

Nil

3.2 ELECTION OF DEPUTY MAYOR**File Number:** S13.7.2 / 24/22066**Author:** Brett McInnes, General Manager**SUMMARY:**

Council has the option to elect a Deputy Mayor in accordance with Section 231 of the *Local Government Act 1993*.

RECOMMENDATION:

That:

- i) Council determine if there shall be a Deputy Mayoral position on Council;*
- ii) If so, determine the term of office for this position;*
- iii) In the event that more than one candidate has been nominated for the position of Deputy Mayor the method of election for Deputy Mayor be determined by Council; and*
- iv) The nomination forms and ballot papers used in the election be destroyed following the declaration of the result.*

COMMENTARY:

In accordance with *Section 231* of the *Local Government Act, 1993*, Council may elect a person from among their number to be the Deputy Mayor. Council is requested to determine if a Deputy Mayor is to be elected and also determine the term of office for this position i.e. one (1) year or two (2) years. Should Council resolve to elect a person from among their number to be the Deputy Mayor, then Council is requested to conduct an election for the position.

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The provisions of Clause 394 and *Schedule 7* of the *Local Government (General) Regulation 2021*, also apply to the election of Deputy Mayor.

A nomination for this position must be in writing and delivered or sent to the Returning Officer. It is requested that this occur prior to the commencement of the meeting.

A nomination form for the position of Deputy Mayor has been included in the material sent to you for this meeting, should you wish to arrange nomination for the position of Deputy Mayor.

In previous years the election method utilised for the Deputy Mayoral position was the Ordinary Ballot method.

Information relevant to the position of Deputy Mayor is as follows:

- The period of Office for the Deputy Mayor as resolved by Council on 27 September, 2023 was one (1) year,
- The Deputy Mayor receives no fees other than the Councillor fee (\$18,340.00), unless Council determines that a fee is to be paid. If Council determines that a fee is to be paid, the amount is

funded from the Mayoral fee, effectively reducing the amount paid to the Mayor. In previous years, Council has not paid a Deputy Mayor's fee.

ATTACHMENTS:

Nil

4 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

5 DESTINATION REPORTS

5.1 MEETING DATES AND TIMES

File Number: S13.5.4 / 24/22072

Author: Brett McInnes, General Manager

SUMMARY:

This report seeks to have Council set dates and times for future Ordinary Council Meetings and major Committee Meetings.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

Council's Ordinary Meetings have been held on the fourth Wednesday of each month commencing at 3.00pm. Council may resolve to hold these meetings on an alternative day and/or hour if it wishes. Council has generally met on the second or third Wednesday in December (pending on the fall of Christmas). This year it is suggested that Council meet on Wednesday 18 December 2024. Committee Meetings have not previously been held in December.

Council's Major Committee Meetings (Civil and Environmental Services Committee and Economic and Community Sustainability Committee) have, in the past, been held on the same day on the second Wednesday of each month commencing at 9.00am and 10.30am respectively. Council may resolve to hold these meetings on an alternative day/s and/or hours if it wishes. Council may also wish to consider holding these Committee Meetings on an 'as needs' basis. This approach would facilitate greater opportunity for Councillor induction and training, workshops, strategic planning and briefing sessions on the second Wednesday of each month.

Council, like many others have not historically held Committee or Council Meetings during the month of January.

It should also be noted that a Council Meeting has previously been scheduled for the 30 October 2024.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

In accordance with *Section 365* of the *Local Government Act, 1993*, Council is required to meet at least 10 times each year, each time in a different month.

ATTACHMENTS:

Nil

5.2 APPOINTMENT OF COUNCIL COMMITTEES

File Number: S13.6.7 / 24/34441
Author: Brett McInnes, General Manager

SUMMARY:

To facilitate Council’s decision making process, Council has established a number of Committees. Council is requested to appoint members to the following Committee Structure.

RECOMMENDATION:
That:
 i) Council determine its representatives on the Major Committees;
 ii) Council determine its representatives on the Advisory Committees; and
 iii) Council determine its representatives on the Community Committees.

COMMENTARY:

All Committees, irrespective of their status, make recommendations to Council for consideration – a decision of a Committee is not binding on Council, unless a specific delegation of authority is made by Council to that particular Committee. To date, Council has not delegated a permanent task to any of its Major Committees.

A. TYPES OF COMMITTEES

I) MAJOR COMMITTEES

To facilitate Council’s decision-making process, Council has established ‘Major’ Committees to consider issues relating to a particular range of activities/functions. In the past, the two (2) ‘Major Committees’ together with their functional responsibilities have included:

ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE RESPONSIBILITIES	CIVIL & ENVIRONMENTAL SERVICES COMMITTEE RESPONSIBILITIES
<ul style="list-style-type: none"> ❖ Financial/Budget Issues ❖ Corporate Planning ❖ Human Resources ❖ Information Services ❖ Economic Development ❖ Cultural Activities ❖ Social Activities ❖ Industry Development 	<ul style="list-style-type: none"> ❖ Recreational Services ❖ Waste Services ❖ Civil Infrastructure ❖ Town Planning ❖ Environmental Activities ❖ Building Control ❖ Compliance ❖ Emergency Management

It should also be noted that Council’s Meeting Code provides for the Chairperson to co-opt Councillors in attendance at the meeting to be a member of the Committee to that meeting for the

purpose of providing a quorum. Four (4) member Councillors have been appointed to each Committee in the past.

In addition, the Local Government Act provides that the Mayor is an ex-officio member of all Committees.

II) ADVISORY COMMITTEES

Advisory Committees are comprised of elected members, staff and community members that consider issues relating to a single Council function/service.

The following Advisory Committees have been established or are required by statute:

COMMITTEE	DELEGATE ENTITLEMENT	PREVIOUS DELEGATES
<p>Aboriginal Consultative Committee Established to promote an increased knowledge and understanding of Aboriginal Culture and society in the wider community and to develop the interests of the Aboriginal people in the local area.</p>	<p>Mayor, General Manager, 1 Ashford Local Land Council, 1 Anaiwan Local Land Council, 5 members of the community</p>	<p>- Mayor - Cr King - (General Manager - servicing officer)</p>
<p>Audit Risk & Improvement Committee Committee established to guide the internal audit function of Council.</p>	<p>1 Representative (excluding the Mayor), and 3 independents</p>	<p>- Cr Dight</p>
<p>Conduct Review Committee (Statutory term) Committee that establishes the facts of an allegation that has been referred to it in accordance with the provisions of Council's Code of Conduct.</p>	<p>1 Representative (Mayor), General Manager), and 3 independents</p>	<p>- Mayor - General Manager - Expressions of interest to be called for independents as required</p>
<p>Local Emergency Management Committee (LEMC) - Provision of the State Emergency Rescue and Management Act. The role of the LEMC is to:</p> <ul style="list-style-type: none"> • Prevent or reduce the impact of emergencies; • Ensure the preparedness of our community; • Provide an effective and coordinated response to the emergency; • Provide for the recovery of our community. 	<p>1 Representative and Local Emergency Management Officer (LEMO).</p>	<p>- Cr Wilks - Director Civil Services (LEMO)</p>
<p>Local Traffic Committee (LTC) A technical review committee that advises the Council on matters for which the Council has delegated authority. Council is not bound by the advice given by its LTC, however if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify the RMS & the NSW Police before proceeding.</p>	<p>LTC comprises 4 formal representatives: - 1 Council - 1 NSW Police - 1 RMS - 1 Local State Member or their nominee</p>	<p>- Director Civil Services (delegated by the Mayor)</p>

<p>Waste Management Sunset Committee A Committee formed to: a. Review the approved Waste Management Strategy and recommend any appropriate amendments to Council for consideration, and b. The issues of Container Deposit Scheme and scavenging rights be referred to the Sunset Committee for consideration.</p>	<p>Comprises 3 Representatives</p>	<ul style="list-style-type: none"> - Cr Harmon - Cr King - Cr Berryman
<p>Public Art Sunset Committee A sub-committee formed to work with the Inverell Art Gallery Supervisor and Inverell Cultural Group president to develop a vision for public art projects in Inverell Shire.</p>	<p>Comprises: - General Manager - Manager Admin & Marketing Services - 1 Representative - 3 community reps</p>	<ul style="list-style-type: none"> - General Manager - Manager Administrative and Marketing Services - Cr Williams

III) COMMUNITY COMMITTEES

A function of a Council may, subject to the provisions of *Section 355* of the *Local Government Act*, be exercised by a Committee of the Council.

Accordingly, the following Committees have been established:

COMMITTEE	DELEGATE ENTITLEMENT	PREVIOUS DELEGATES
Delungra District Development Council	1 Representative	Vacant following resignation of Cr Lavender
Inverell Equestrian Centre Management Committee	(Fixed Term) 1 Representative	Cr Baker
Inverell Development Support Group	2 Representatives (Mayor & General Manager)	Cr Harmon General Manager
Inverell Liquor Consultative Committee	1 Representative	Cr King
Inverell Sports Council	(Fixed Term) 2 Representatives	Cr Harmon Cr Ross
Inverell Sapphire City Festival	1 Representative	Mayor (ex-officio) Cr Williams
Sapphire Wind Farm Community Benefit Fund	- 2 Councillor Representatives - 2 Community Representatives (currently being advertised) - General Manager	Cr Harmon Cr Berryman General Manager
Yetman Hall and Progress Association	1 Representative	Cr Dight
Youth Council	1 Representative	Cr Dight

ATTACHMENTS:

Nil

5.3 ELECTION OF DELEGATES TO REGIONAL & LOCAL ORGANISATIONS (ANNUAL APPOINTMENT)

File Number: S13.6.7 / 24/22065

Author: Brett McInnes, General Manager

SUMMARY:

Inverell Shire Council is entitled to be represented upon a number of Regional and/or Local Organisations. Council is requested to appoint delegates to the following list of Regional and/or Local Organisations.

RECOMMENDATION:

That:

- i) Council determine if it wishes to appoint delegates to these organisations, and if so;*
- ii) Council appoint its representatives to those organisations as determined above.*

COMMENTARY:

A list of known Regional and/or Local Organisations, to which Inverell Shire Council is entitled to be represented upon, include:

COMMITTEE	DELEGATE ENTITLEMENT	PREVIOUS DELEGATES
Country Public Libraries Association of NSW	1 Representative	Cr Dight
Inverell Pioneer Village	1 Representative	Cr Berryman
Northern Tablelands Bush Fire Management Committee	1 Representative	Local Emergency Management Officer (Director Civil Services)
North West Weight of Loads Group	1 Representative	Director Civil Services
Border Regional Organisation of Councils (BROC)	1 Representative	Cr Dight

ATTACHMENTS:

Nil

5.4 LOCAL GOVERNMENT ELECTIONS - COUNTBACK OPTION

File Number: S13.7.4/05 / 24/22070

Author: Brett McInnes, General Manager

SUMMARY:

Council may elect to utilise a 'countback option' to fill a casual vacancy on the Council. Councillors are requested to determine the method of filling this vacancy should this event occur.

RECOMMENDATION:

Pursuant to Section 291A(1)(b) of the Local Government Act 1993, Inverell Shire Council declares that:

- i) Casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on the 14 September 2024 are to be filled by a countback of votes cast at the election for the office in accordance with Section 291A of the Act; and*
- ii) Directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.*

COMMENTARY:

Provision in the *Local Government Act 1993* (the Act) permits Council to determine the method of filling a casual vacancy on Council that may occur within 18 months of the holding of an ordinary election of Councillors.

The options available to Council are:

- a) Conduct a by-election, or
- b) Invite the Electoral Commission to carry out a countback election utilising the votes cast at the last ordinary election.

Attached as **Appendix 1** is a copy of Section 291A of the Act that deals with this issue. It should be noted that the method of voting utilised at the 2024 Ordinary Election, was the 'proportional representation' method.

Councillors are requested to determine their position on this matter at today's meeting in order to comply with s.291A(1)(b).

When considering this issue, Councillors may wish to consider the following matters:

- a) Costs

There are minimal costs associated with a 'countback' as all data entry work has been done. Minor administrative actions are all that is required to achieve a result.

The cost of a by-election is considerably more than the minimal costs associated with a 'countback' by the Returning Officer.

The indicative costs of a by-election can be gauged by referring to the cost of the 2021 and the 2024 Election (estimated). These costs are:

2024 - \$151,752.00 + GST (Electoral Commission cost estimate)
2021 - \$127,584.44 + GST (actual)

The cost to fund a by-election has not been included in the 2024/25 budget.

b) Candidates

A countback is restricted to the candidates that stood at the 2024 Ordinary Election.

At a by-election a fresh call is issued for candidates to nominate.

Summary

The 'countback' method has the advantage of being a low-cost option. The by-election method has the advantage of providing new candidates to nominate to serve their community.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

The cost of a by-election has not been included in the budget for 2024/25.

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. **NSW Local Government Act 1993 - Section 291A** [↓](#)



Local Government Act 1993 No 30

Current version for 1 November 2021 to date (accessed 15 November 2021 at 10:23)

[Chapter 10](#) > [Part 5](#) > [Section 291A](#)

291A Countback to be held instead of by-election in certain circumstances

- (1) This section applies to a casual vacancy in the office of a councillor if—
 - (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
 - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected—
 - (a) in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or
Note. See section 285 (Voting system for election of councillors).
 - (b) in an election without a poll being required to be held.
Note. See section 311 (Uncontested elections).
- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.
- (4) A countback election to fill a casual vacancy to which this section applies must be conducted—
 - (a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner—by a returning officer appointed by the Electoral Commissioner, or
 - (b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council—by a returning officer appointed by the electoral services provider.
 - (c) (Repealed)
- (5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election—
 - (a) the returning officer must notify the general manager of the council concerned, and
 - (b) a by-election in accordance with this Part must be held to fill the casual vacancy.
- (5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.

Local Government Act 1993 No 30 [NSW]

- (6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.